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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/824,845 | 04/02/2001 | John C. Goodwin III | 9325.00 | 1160 |

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EXAMINER

ZEENDER, FLORIAN M

ART UNIT PAPER NUMBER

3627

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/824,845

Applicant(s)

GOODWIN, JOHN C.

Examiner

F. Ryan Zeender

Art Unit

3627

[Signature]

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 1-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 1-14 are objected to because of the following informalities: In each of claims 1, 3, 5, 7, 9, 11, 13, and 14, it is not clear whether or not the “second **product labels**”, the “third **product labels**” and “fourth **product labels**” represent separate/distinct/additional product labels from the first product labels. In each of claims 1, 5, 9, 13, and 14, the language “the remaining third instances” lacks antecedent basis and it is suggested the terminology be changed to –the third instances--.

Appropriate correction/clarification is required.

Claim Rejections - 35 USC § 103

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers et al. '134, in view of Can et al. '267 and Goodwin (EP 0984379 A2).

Bowers et al. disclose or inherently teach all of the limitations of the claims (See *specifically Col. 4, line 40 – Col. 5, line 45; the teaching of checkout, return, and inventory amount monitoring within the library*) except the reference lacks for use in a retail-type environment where there is a “sale” of the product, and further lacks the teaching of an electronic price display means.

Can et al. teach a similar inventory managing system using wireless RFID tags, whereby the system is used in a retail environment and an interrogator monitors goods sold at a POS apparatus.

Goodwin teaches an inventory tracking system whereby transaction/price information can be adjusted in real time in an electronic label system to account for removed/rented inventory.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bowers et al. to utilize the system in a retail-type environment where there is a sale of the product, in view of Can et al., in order to improve operations and efficiency within a retail environment (See Can et al., paragraph 0010).

It would have been further obvious to one of ordinary skill in the art at the time of the invention to modify Bowers et al. to remove second instances of product from first instances of product, in view of Goodwin, in order to be able to adjust price/transaction data in real time based on current inventory levels (See Goodwin [0006-0008]).

Re claims 2, 4, 6, 8, 10, and 12: the limitations are obvious and well known in the retail environment to counter theft of goods and to maintain adequate amounts of goods on shelves.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashton (EP 1049042 A1) in view of Goodwin (EP 0984379 A2).

Ashton discloses or inherently teaches all of the limitations of the claims (See *specifically Cols. 2-3*) except the reference lacks the teaching of an electronic price display means.

Goodwin teaches an inventory tracking system whereby transaction/price information can be adjusted in real time in an electronic label system to account for removed/rented inventory.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ashton include electronic price displays, in view of Goodwin, in order to be able to adjust price/transaction data in real time based on current inventory levels (See Goodwin [0006-0008]).

Re claims 2-4, 6-8, and 10-12: the limitations are obvious and well known in the retail environment to counter theft of goods and to maintain adequate amounts of goods on shelves.

Response to Arguments

Applicant's arguments with respect to claims 1-8 have been considered but not persuasive because the applicant has not convincingly argued that the combination of all three references does not teach the limitations of the claims. He/she has only argued that each one of the references lacks specific teachings.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-5183. The receptionist's phone number for the Technology center is (703) 308-1113.

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The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for before Final communications and (703) 872-9327 for after Final communications.

F. Zeender  3/10/04
Patent Examiner, A.U. 3627
March 10, 2004